

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>GALP CNA LIMITED PARTNERSHIP, et al.,</b>	§	<b>Case No. 10-38975, et seq.</b>
	§	
<b>Debtors.</b>	§	<b>(Chapter 11 – Jointly Administered)</b>
	§	

**DEBTORS' EMERGENCY MOTION FOR ORDER (I) PROHIBITING UTILITY  
COMPANIES FROM ALTERING, REFUSING OR DISCONTINUING  
SERVICES AND (II) ESTABLISHING PROCEDURES FOR DETERMINING  
REQUESTS FOR ADDITIONAL ADEQUATE ASSURANCE  
[HEARING SET FOR OCTOBER 19, 2010 AT 2:30 P.M.]**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**To the Honorable United States Bankruptcy Judge:**

GALP CNA Limited Partnership ("CNA"), Wentwood Woodside I, L.P. ("Woodside"), Wentwood Roundhill I, L.P. ("Roundhill"), Wentwood Rollingbrook, L.P. ("Rollingbrook") and GALP Cypress Limited Partnership ("Cypress" and collectively with CNA, Woodside, Roundhill and Rollingbrook, the "Debtors") file this Emergency Motion for Order (i) Prohibiting Utility

Companies from Altering, Refusing or Discontinuing Services and (ii) Establishing Procedures for Determining Requests for Additional Adequate Assurance.

### **Summary of Motion**

1. The Debtors seek an order (i) prohibiting companies that provided utility services to the Debtors pre-petition from altering, refusing and discontinuing services on account of prepetition invoices; and (ii) establishing the procedures set forth below for determining requests for additional adequate assurance pursuant to § 366 of the Bankruptcy Code.

### **Emergency Consideration**

2. The Debtors request emergency consideration of the Motion. The 20-day period in which the Utilities are prohibited from terminating service expires on October 24, 2010. Given the termination of the initial stay granted under § 366 and the Debtors' need for continued utility services, the Debtors believe that expedited consideration is necessary.

### **Jurisdiction and Venue**

3. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of this Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of this proceeding is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

### **Brief Background**

4. On October 4, 2010, the Debtors filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

5. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code. No trustee, examiner, or creditors' committee has been appointed in the Debtors' cases. The Debtors are each single asset real estate business entities, as defined in 11 U.S.C. § 101(51B). Each Debtor owns the following

single asset real estate in Texas:

- GALP CNA Limited Partnership - Chapter 11 (10-38975);
  - Citation North Apartments (235 units);
  - 411 Highland Cross Drive, Houston, TX 77073;
  - NE quadrant of FM 1960 / I45;
- Wentwood Woodside I, L.P. - Chapter 11 (10-38981);
  - Woodside Village Apartments (196 units);
  - 2400 Hackett, Houston, TX 77008;
  - Immediately south of 610 East of TC Jester;
- Wentwood Roundhill I, L.P. - Chapter 11 (10-38984);
  - Roundhill Townhomes (131 units);
  - 601 Cypress Station Drive, Houston, TX 77090;
  - NW quadrant of FM 1960 and I45;
- Wentwood Rollingbrook, L.P. - Chapter 11 (10-38988);
  - Creekside Apartments (250 units);
  - 3120 Decker Drive (SR 330), Baytown, TX 77520;
  - East side of Decker, 2 miles south of I10;
- GALP Cypress Limited Partnership - Chapter 11 (10-38991);
  - Palms at Cypress Station Apartments (346 units);
  - 990 Cypress Station Drive, Houston, TX 77090;
  - NW quadrant of FM1960 and I45.

6. The Debtors currently obtain services for, among other things, water, sewage, natural gas, electricity, telecommunications and similar utility services from different utility companies (the “Utilities”). A list of the names and addresses of the known Utilities that were providing services to the Debtors as of the petition date along with the average monthly usage is attached as **Exhibit 1**.<sup>1</sup>

### **Relief Requested**

7. By this Motion, the Debtors seek an order (i) prohibiting the Utilities from altering, refusing and discontinuing services on account of prepetition invoices; and (ii) establishing

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<sup>1</sup> Nothing herein shall be deemed an admission that any of the entities listed on **Exhibit 1** constitute “utilities” for purposes of § 366 of the Bankruptcy Code. To the extent some of the entities listed in **Exhibit 1** provide goods or services to the Debtors in a capacity other than that of a utility, with respect to any such goods or services, such entities are not entitled to adequate assurance under § 366 of the Bankruptcy Code.

procedures for determining requests for additional adequate assurance pursuant to § 366 of the Bankruptcy Code.

8. Specifically, the Debtors request approval of the following procedures:

Proposed Adequate Assurance

- The Debtors shall pay a post-petition security deposit of one-half of the average monthly bill (the “New Deposit”) to any Utility that is not currently holding a prepetition security deposit.
- Any Utility that is currently holding a pre-petition security deposit shall retain such deposit (the “Existing Deposit”) in lieu of receiving a New Deposit.

Procedures for Requesting Additional Adequate Assurance

- Any Utility that is not satisfied with the Debtors’ proposed adequate assurance (in the form of either the New Deposit or Existing Deposit), must (i) file a motion with the Bankruptcy Court requesting additional adequate assurance clearly setting forth the basis for such request; and (ii) set such motion for hearing no earlier than 25 days after the filing of the motion.
- Absent further order of the Bankruptcy Court, pursuant to a motion seeking additional adequate assurance or otherwise, all Utilities are prohibited from interfering with, disturbing, or discontinuing services to the Debtors on account of this bankruptcy case and/or any unpaid invoice for prepetition services.

**Basis for Relief Requested**

9. Section 366 of the Bankruptcy Code prohibits a utility company from discriminating against a debtor during the first 20 days of its bankruptcy case based upon (i) the debtor’s commencement of a Chapter 11 case or (ii) a pre-petition payment default. However, upon expiration of such period, utility companies have the option to alter, refuse or discontinue services if the debtor does not furnish “adequate assurance of payment” of postpetition utility service obligations. In this case, the 20-day period will expire on or about October 24, 2010.

10. The proposed procedures described above protect both the Debtors and the Utilities. Specifically, the procedures ensure that each Utility is provided with adequate assurance in the form

of either a New Deposit or an Existing Deposit. At the same time, the Debtors are protected from any sudden cancellation of utility services without notice and an opportunity for a hearing before the Court.

11. The Debtors propose to mail a copy of the attached order to all Utilities within 10 days of its entry. Despite good-faith efforts by the Debtors to list every Utility from which the Debtors receive service, certain Utilities may not be listed on **Exhibit 1**. If the Debtors discover any additional Utilities after the filing of this Motion, the Debtors will amend **Exhibit 1** and serve a copy of the Motion and order on such Utilities. For any Utility identified after the filing of this Motion, the Debtors request that the prohibitions and procedures set forth herein be extended to such Utility until further order of the Bankruptcy Court.

12. Accordingly, the Debtors request that the Court enter an order (i) prohibiting Utilities from altering, refusing and discontinuing services on account of prepetition invoices; (ii) establishing the procedures described herein for determining requests for additional adequate assurance; and (iii) granting all such other and further relief as is just.

Dated: October 15, 2010

Respectfully submitted,  
LAW OFFICES OF MATTHEW HOFFMAN, p.c.

By: /s/ Matthew Hoffman  
Matthew Hoffman  
TBN: 09779500  
S.D. Bar No.: 3454  
James C. Lee  
TBN: 24060153  
2777 Allen Parkway, Suite 1000  
Houston, Texas 77019  
713.654.9990 *Telephone*  
713.654.0038 *Facsimile*  
ATTORNEYS FOR THE DEBTORS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of October, 2010 I sent a true and correct copy of the above and foregoing Debtors' Emergency Motion for Order (i) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Services and (ii) Establishing Procedures for Determining Requests for Additional Adequate Assurance to the following parties by the following means:

Debtors (via email):

GALP CNA Limited Partnership  
750 Market Street  
Tacoma, WA 98402

Wentwood Woodside I. L.P.  
750 Market Street  
Tacoma, WA 98402

Wentwood Roundhill I. L.P.  
750 Market Street  
Tacoma, WA 98402

Wentwood Rollingbrook. L.P.  
750 Market Street  
Tacoma, WA 98402

GALP Cypress Limited Partnership  
750 Market Street  
Tacoma, WA 98402

The United States Trustee (via ECF):  
Office of US Trustee  
515 Rusk, Ste 3516  
Houston, TX 77002

Creditors (by regular first class mail):  
(281) 999-Rent, Inc.  
PO Box 11794  
Spring TX 77391

A.S.A.P. Apartment Specialist  
16460 Kuykendahl Suite 122  
Houston TX 77068

AT & T  
PO Box 5001  
Carol Stream IL 60197-5001

Absolute Realty LTD  
6420 Richmond Ave. #538  
Houston TX 77057

Acuity Electric, Inc.  
7814 Fulton Street  
Houston TX 77022

Advanced Waste Solutions, L.P.  
PO Box 19470  
Houston TX 77224-9470

Al's Landscaping  
18103 Wild Oak Drive  
Houston TX 77090

Alarmtechs  
P.O. Box 994  
Katy TX 77492

Albert M. Carpet Care dba  
Adalberto Mendoza  
6804 E. Hwy. 6 South #183  
Houston TX 77083

All Print Color  
DOUGLAS C. PEREZ  
1602 CHIPPENSDALE STREET  
Houston TX 77018

American Hydra Jetting Service  
PO Box 2307  
Alvin TX 77512

American Mgmt Services LLC  
2801 Alaskan Way, Suite 200  
Seattle WA 98121

Ameristar Screen & Glass  
PO Box 29309  
DALLAS TX 75229

Amrent, Inc.  
875 Green Tree Road  
8 Parkway Center  
Pittsburgh PA 15220

Apartment Gurus LLC  
22 WAUGH; STE. 280  
Houston TX 77007

Apartment Home Living  
P.O. Box 1266  
San Antonio TX 78295-1266

The Apartment Store & More Inc.  
7 Switchbud Place #192-272  
The Woodlands TX 77380

Apartment Wiz  
2400 Augusta Drive Suite 410  
Houston TX 77057

Apartments.com  
175 West Jackson Street Suite 800  
Chicago IL 60604

Apple Termite & Pest Control Inc.  
PO Box 701176  
Houston TX 77270

Appliance Warehouse of America, Inc.  
LOCKBOX 847696  
Dallas TX 75284

Approved Apt. Locators  
621 W. SHORE DRIVE  
Kemah TX 77565

B & B Office Supply Inc  
622 W. TEXAS AVE.  
BAYTOWN TX 77520

The Baytown Sun  
PO Box 90  
Baytown TX 77522

Blue Moon Software, Inc.  
PO Box 684926  
Austin TX 78768-4926

Boreal Properties LP  
750 Market Street  
Tacoma WA 98402

Brilliant Promotional Products, Inc.  
10161 Harwin, Suite #125  
Houston TX 77036

C.K.I. Wholesale Lock Supply Inc  
PO Box 41043  
Houston TX 77241

CLMS Properties, LP  
750 MARKET STREET  
Tacoma WA 98402

CNP Utility District  
PO Box 3150  
Houston TX 77253-3150

Camp Roofing  
15139 South Post Oak Road  
Houston TX 77053

Centerpoint Energy  
PO Box 4981  
Houston TX 77210-4981

Centrum Financial Services Inc.  
12505 Bel-Red Road, Suite 200  
Bellevue WA 98005

Century Air Conditioning Supply, Inc.  
PO Box 201864  
Houston TX 77216-1864

Champion Citywide Locators & Realty, Inc.  
16214 Emberwood  
Houston TX 77070

Choice One Realty  
350 North Sam Houston Prkwy E., Ste 286  
Houston TX 77060

Citihomes & Apartment Locating  
P.O Box 742324  
Houston TX 77274

City of Baytown  
PO Box 203622  
Houston TX 77216

City Of Houston  
Water Department  
PO Box 1560  
Houston TX 77251

Classified Ventures LLC  
2563 Collection Center Drive  
Chicago IL 60693

Clifton's Lawn Care  
PO Box 2501  
Baytown TX 77522

Comcast  
P.O. Box 660618  
Dallas TX 75266-0618

Comcast Cable  
Attn: Steven Richardson  
8590 West Tidwell  
Houston TX 77040

Community Controls  
2500 South 3850-West Suite A  
Salt Lake City UT 84120

Constellation Newenergy, Inc.  
2975 Regent Blvd.  
Mac T5399-01X  
Irving TX 75063

Contello Plumbing Co., Inc.  
PO Box 31417  
HOUSTON TX 77231-1417

Countywide Copier Service dba:  
ROGER J. TUPA DBA:  
26212 WHISPERING PINES  
Magnolia TX 77355

Corporate Lodging Consultants, Inc.  
8110 E. 32ND Street North  
Wichita KS 67226

Criterion Brock  
4525 S Pinemont Dr # 170  
Houston, TX 77041-9362

Criterion Brock  
Lockbox #310141  
P.O. Box 24952  
Seattle WA 98124-0952

Echo Communications, Inc.  
12703 Veterans Memorial Drive  
Houston TX 77014

Envirotrol Company, Inc  
806 North Beltline Road  
Grand Prairie TX 75050

Everyones Realtor  
12436 West FM 1960, Suite 195  
Houston TX 77065

Express 38 Printing & Graphics, Inc  
Baytown Kwik Kopy, Inc. dba:  
P.O. Box 1201  
Baytown TX 77522-1201

Extra Effort Payphones, LP  
9422 Hammerly Blvd  
Houston TX 77080

Fairway Capital LLC  
679 Sierra Road Drive Suite B  
Reno NV 89511

Fantastic Floors, Inc.  
13210 Hempstead Highway Suite 3A  
Houston TX 77040

FedEx Corp  
PO Box 94515  
Palatine IL 60094-4515

Find My Apartment, LLC  
22503 Katy Freeway, Suite 3  
Katy TX 77450

Findit Apartment Locators  
PO Box 742324  
Houston TX 77074

For Rent Media Solutions  
75 REMITTANCE DRIVE; #1705  
CHICAGO IL 60675



Gall & Gall Company Inc  
8555 N. Dixie Drive  
Dayton OH 45414

Garcias Carpet  
12302 Fondren Road #8  
Houston TX 77035

Gexa Energy  
P.O. Box 27799  
Houston TX 77227-7799

Graoch Associates #160 Limited Partnership  
750 Market Street  
Tacoma WA 98402

Graoch Associates #170 Limited Partnership  
750 Market Street  
Tacoma WA 98402

Graoch Associates #172 Limited Partnership  
750 Market Street  
Tacoma WA 98402

Great American Business Products  
PO Box 4422  
Houston TX 77210-4422

Green Mountain Energy  
P.O. Box 650001  
Dallas TX 75265-0001

Greensheet  
PO Box 2025  
HOUSTON TX 77252-2025

HD Supply Facilities Maintenance, LTD  
PO Box 509058  
San Diego CA 92150-9058

HPES  
20202 Highway 59 North Suite 325  
Humble TX 77338-2403

Hagee's Bay Area Answering Service  
PO Box 7216  
Baytown TX 77522

Harris County Tax Office

Leo Vasquez  
1001 Preston/P.O. Box 4089  
Houston TX 77210

Houston Chronicle Publishing Co.  
P.O. Box 80085  
Prescott AZ 86304-8085

Houston Multi Housing Corp  
4810 Westway Park Blvd.  
HOUSTON TX 77041

Houston Pest  
PO Box 841824  
Houston TX 77284

Houston Planned Energy Systems  
20202 Hwy. 59 North, Suite 325  
Humble TX 77338

Houston's Apartment Hotline  
7710- T Cherry Park Drive, Unit #402  
Houston TX 77095

Hudson Energy  
PO Box 731137  
Dallas TX 75373-1137

Hurricane Glass Inc  
PO Box 61  
Houston TX 77587

I-45 Signs, Inc.  
9811 N. Fwy #A106  
Houston TX 77037

I.B.O. Real Estate Enterprises  
JAMAL WIGGINS  
827 CITATION DRIVE  
Stafford TX 77477

IN The Swim  
Cortz, Inc.  
PO Box 3148  
Buffalo NY 14240-3148

Industrial Chem Labs & Services, Inc.  
55-G BROOK AVENUE  
Deer Park NY 11729

Jackson National Realty  
PO Box 672143  
Houston TX 77267

Jorge I. Flores  
411 Highland Cross, Suite 1905  
Houston TX 77073

Keytrak  
PO Box 4346 DEPT. 663  
Houston TX 77210-4346

LTD Landscaping & Supplies, Inc.  
32011 Wendt Park Trace  
Fulshear TX 77441

Laserman, LLC  
990 Butler Avenue  
Santa Rosa CA 95407

MFF Partners Limited Partnership  
750 Market Street  
Tacoma WA 98402

Message America  
PO Box 682812  
Houston TX 77268

Metro Houston Apartment Guide  
Consumer Source, Inc.  
PO Box 402039  
Atlanta GA 30384-2039

Meyer Smith, Inc dba:  
PO Box 8847  
Houston TX 77249-8847

Mid-American Specialties, Inc.  
P.O. Box 38183  
Germantown TN 38183

Moveforfree.com  
8535 Wurzbach Road Suite 101  
San Antonio TX 78240

Mueller Water Conditioning  
PO Box 975118  
Dallas TX 75397-5118

Namco Manufacturing, Inc.  
Dept. 528  
P.O. Box 4346  
Houston TX 77210-4346

Nelson Saldana  
601 CYPRESS STATION DRIVE #1602  
Houston TX 77090

NEXMove Realty & Mortgage  
7100 Regency Sq., Ste. 182  
Houston TX 77036

North Park P.U.D.  
PO Box 3035  
Houston TX 77253-3035

O.R.P. Construction, Inc.  
30603 ALDINE WESTFIELD  
Spring TX 77386

O'Connor & Associates  
2200 North Loop West, Suite 200  
Houston TX 77018

Olivares Cleaning Services dba  
MARIA EVA OLIVARES  
29414 BROOK CHASE DRIVE  
Spring TX 77386

On Guard Inc  
6846 Theall RD, Ste 100  
Houston TX 77066-1114

Paige Aguero  
3120 DECKER DRIVE  
Baytown TX 77520

Pathfinder Apartment Locators Of America  
PO Box 75065  
Houston TX 77234

Presto Maintenance Supply  
580 North Shepherd Drive  
Houston TX 77007

Promaxima Manufacturing, Ltd.  
5310 Ashbrook Drive  
Houston TX 77081

Protection One Alarm Monitoring, Inc.  
4321 W Sam Houston Pkwy #170  
Houston TX 77043

Reliant Energy  
PO Box 650475  
Dallas TX 75265-0475

Rent.com dba  
VIVA GROUP, INC.  
PAYMENT CENTER; DEPT. 1987  
Los Angeles CA 90084-1987

Service Concepts Unlimited, Inc.  
6005 N. Shepherd, Suite B  
Houston TX 77091

Sherwin Williams  
1411 Alexander Drive  
Baytown TX 77520-5395

Spring ISD - Tax Office  
Marianne C. Smith Tax Collector  
PO Box 90458  
Houston TX 77290-0458

Spring Locators  
5510 Slashwood Lane  
Spring TX 77379

Steve Hamasaki  
750 Market Street  
Tacoma WA 98402

TWD Business Systems, Inc.  
PO Box 740009  
Houston TX 77274

TXU Energy  
PO Box 660161  
Dallas TX 75266-0161

Terminix International  
TERMINIX PROCESSING CENTER  
11777 W.SAM HOUSTON PKWY S. #B  
Houston TX 77031

Today Realty  
12218 Jones Rd. #124  
Houston TX 77070

Ultra-Chem, Inc.  
PO Box 3717  
Shawnee Mission KS 66203

United Laboratories, Inc.  
PO Box 410  
Saint Charles IL 60174

United Parcel Service  
P.O. BOX 7247-0244  
PHILADELPHIA PA 19170-0001

UR Home Real Estate, LLC  
15367 Southwest Freeway  
Sugar Land TX 77478

Venturi Technologies Inc  
PO Box 172287  
Denver CO 80217-2287

WCA Waste Corporation  
PO Box 553166  
Detroit MI 48255-3166

Waste Management  
PO Box 660345  
Dallas TX 75266-0345

WCA Waste Corporation  
PO Box 553166  
Detroit MI 48255-3166

Webb Pest Control  
PO Box 924226  
Houston TX 77292

Welcome Home America, Inc  
PO Box 246  
Holly Springs GA 30142

Wilmar Industries Inc  
PO Box 404284  
Atlanta GA 30384-4284

Parties in Interest (by regular first class mail):

Internal Revenue Service  
PO Box 21126  
Philadelphia, PA 19114

Securities and Exchange Commission  
Rose L. Romero, Regional Director  
Burnett Plaza, Suite 1900  
801 Cherry Street, Unit 18  
Fort Worth, Texas 76102

Securities and Exchange Commission  
Attn: Legal Department  
15th & Pennsylvania Avenue, NW  
Washington, DC 20020

Securities and Exchange Commission  
Attn: David M. Becker, General Counsel  
100 F. St. NE  
Washington, DC 20549-2000

/s/ Matthew Hoffman

Matthew Hoffman